Section 7 Consultation Pitfalls and Rescue Equipment

Mr. Tom Egeland
Director
Environmental Planning and Conservation Policy
Office of the Assistant Secretary of the Navy
(Installations & Environment)

Section 7 Consultation – Pitfalls and Rescue Equipment

Section 7 Consultation is a Process

- **Sec 7(a)(2) – in consultation with and with the assistance of the Secretary**
- **C4 equals: Communication, Consultation, and Cooperation all in the service of Conservation**
- **USFWS – consultative agency versus a regulatory agency**
- **Duty of USFWS to assist federal**

Not a process for dictating to federal agencies how they are to bring about the recovery T/E species

Section 7 Consultation – Pitfalls and Rescue Equipment

Pitfall No 1 Unfamiliarity with the Law and Regu

- **Be knowledgeable about ESA and regulatio**
- **Know the rules (learn to become a good ne**
- **Many good sources of information on ESA a procedures - do your homework**

(Example – Section 7 Consultation Handbood; http://endangered.fws.gov/consultations/s7hndbk.htm)

Section 7 Consultation – Pitfalls and Rescue Equipment

Pitfall No 2 Consultations Initiated Unnecessar

- **Avoid unnecessary consultations**
- **Be sure you have a “may affect” situation (reasonably foreseeable)**
- **Don’t be afraid to make a “no effect” deter**
- **Be more risk tolerant**

Section 7 Consultation – Pitfalls and Rescue Equipment

Pitfall No 3 Incomplete or Inaccurate Informati

- **ESA is clear about what must be presented**
- **Have the best available information about species/habitat**
- **Do good biology – prepare solid BA**
- **Address cumulative impa**

Section 7 Consultation – Pitfalls and Rescue Equipment

Pitfall No 4 Obstinate Personalities

- **Need to have the regulator's confidence**
- **Requires "up front" trust building**
- **If there is a problem, find out what the dif**

  is and best way to overcome it
- **If necessary, elevate problems to the next**

Section 7 Consultation – Pitfalls and Rescue Equipment

- **Good Example – MINEX BO with NMFS**
- **Poor Example – VIEQUES BO with FWS and**

Section 7 Consultation – Pitfalls and Rescue Equipment

Some Tips:

- **Know the law and procedures**
- **Avoid time constraint situations tha re quick negotiations**
- **Do not be afraid to think outside the box**
- **Involve chain-of-command with decisions bei**
- **Do not be afraid to say no – be more risk tole**